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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHNNIE D. YOUNG

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.

CIVIL ACTION

NO. 10-528

ORDER

AND NOW, this 20th day of May, 2010, upon

consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 (Doc. 3), and
after review of the Report and Recommendation of United States Magistrate Judge L. Felipe
Restrepo, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED, without prejudice, for
failure to exhaust state court remedies;
3. A certificate of appealability shall not issue in that a reasonable jurist could not
conclude the Court is incorrect in dismissing the habeas petition without prejudice.

BY THE COURT:


LAWRENCE F. STENGEL, J.